



# Bellingham Police Department

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CHIEF OF POLICE  
GERARD L. DAIGLE

August 2, 2018

BY ELECTRONIC MAIL ONLY

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Ms. Geraldine Houde

Re: Response to Public Records Requests to the Town of Bellingham Police Department, dated July 20, 2018 and July 21, 2018

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Dear Ms. Houde:

Enclosed herewith please find the Town of Bellingham Police Department's ("Police Department") consolidated response to your public records requests for Police Department records, dated July 20, 2018 and July 21, 2018. As you know, the records you have requested relate to an ongoing murder investigation led by the District Attorney's Office pursuant to state law, G.L. c. 38, §4.

## Summary of Request

In your request you are seeking the following Police Department records:

1. July 21, 2018 request - All reports on stolen/recovered vehicles in Bellingham from December 4, 1978 to December 30, 1978. To include owner names, the officer/s that investigated the case.
2. July 20, 2018 request- All Bellingham Police reports pertaining to Theresa Corley, Bellingham MA from December 8, 1978 to present. To include names of the first responding officers, first at the crime scene and subsequent investigators called to the scene. The name of any police officer/s appointed as scribes at the crime scene. To include all detectives assigned to Theresa's case, the dates they were assigned to the dates the case was given over to other detectives. The missing person's protocol in 1978. The protocol for assigning detectives to investigations involving a potential conflict of interest. Names of officers on duty the night of December 4th through December 11, 1978. The initial notations and all notations from the Bellingham Police log book recorded by dispatchers from December 8, 1978 to February 1979 pertaining to Theresa Corley. Bellingham police employee list from December 8, 1978 to December 1979 to include any officers released from the department and why.

Please be advised that the Police Department's duty to respond to records requests extends only to records that are in existence and in its custody, and the Police Department is under no

obligation to create records in response to your Request. Furthermore, the Police Department is not required to answer questions in response to a public records request. See "A Guide to the Massachusetts Public Records Law," January, 2017, published by the Secretary of the Commonwealth, at page 3.

### Response to Request

After its careful review of your request and its police records, the Police Department has certain records responsive to your request. As an initial matter, the Police Department does not have any records from 1978 responsive to item 1 of your July 21, 2018 request referenced above.

With respect to item 2 referenced above (the July 20, 2018 request), the Police Department does not have the following information:

1. Records with police officer/s appointed as scribes at the crime scene;
2. Dates Police Department detectives were assigned to Theresa's case, the dates they were assigned to the sates the case was given over to other detectives;
3. Missing person's protocol in 1978;
4. The protocol for assigning detectives to investigations involving a potential conflict;
5. Records noting the names of officers on duty the night of December 4<sup>th</sup> through December 11<sup>th</sup> 1978; and
6. The initial notations and all notations from the police log book recorded by dispatchers from December 8, 1978 to February 1979 pertaining to Theresa Corley.

In addition, after initial inquiry, the Town has records with payroll information regarding police employees from December 8, 1978 to December 1979. The Police Department is providing you with this good faith estimate of the time required to search for those records. The Police Department will make non-exempt and non-privileged documents referenced above available within 15 business days of payment of applicable fees, as discussed below.

### Fee Estimate

It is estimated that it will cost \$75.00 to comply with your request. That amount is broken down as follows:

Employee search time:

<i>Title</i>	<i>Hours</i>	<i>Per Hour Cost/Personnel</i>	<i>Total</i>
Police employee lists from December 8, 1978 to December 1979	3 hours	\$25.00 per hour/ Gerard L. Daigle	\$75.00

The employee search and segregation time quoted above is charged at the hourly rate of the lowest paid person capable of compiling the responsive records, in accordance with 950 CMR 32.07(2)(i). Such hourly rate shall not exceed \$25/hour unless otherwise authorized by the Supervisor of Records. Please note that because the Town has less than 20,000 residents, pursuant to the last Decennial U.S. Census, you will be charged for all hours of work associated with this

request. It is anticipated that the Police Department will make the documents available electronically and, as such, there will be no copying charges. The actual cost of producing the records may vary once the Police Department begins preparing the records for response.

Upon receipt of your payment in the amount of \$75.00 made payable to the Town of Bellingham, the Town will begin the work necessary to search, segregate, and redact (where appropriate) the employee lists from 1978-1979, as referenced above. It is anticipated that the Police Department shall produce the requested records, subject to withholding or redaction, within 15 business days of receiving payment. Should the cost of complying with your Request exceed the estimated amount, the Police Department will provide you with an additional estimate of the cost to complete its response to your Request.

Lastly, please be advised that the Police Department has the following records related to this ongoing murder investigation, which, as the Police Department previously informed you in response to a prior request, is under the jurisdiction of the District Attorney's Office at this time, such records may contain information sought in your July 20, 2018 request.

1. Offense Report, dated December 8, 1978
2. Detective Division Follow Up Report, dated December 8, 1978
3. Voluntary Statement, dated December 8, 1978
4. Voluntary Statement 2, dated December 8, 1978
5. L.E.A.P.S. broadcast about a missing female, Theresa Corley

Exemption (f)

The requested investigatory records requested, which I have itemized above, will be also withheld pursuant to exemption (f) of the Public Records Law. Pursuant to G.L. c. 4, §7(26)(f), a records custodian may withhold or redact "investigatory materials necessarily compiled out of the public view by law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest."

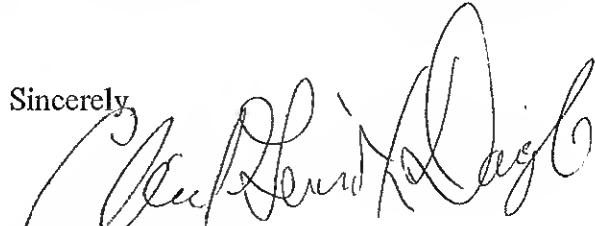
As noted above, this murder investigation involving Therese Corley, remains open and under investigation by the District Attorney's Office in coordination with Massachusetts State Police and the Police Department. Pursuant to G.L. c. 277, §63 (Limitation of Criminal Prosecutions), there is no statute of limitations for murder charges. Specifically, the statute provides in relevant part as follows: "[a]n indictment for murder may be found at any time after the death of the person alleged to have been murdered." Therefore, since the murder remains unsolved, and there is no statute of limitations for the prosecution of such crime, the premature disclosure of the requested police reports, which include details of the crime and victim's condition, location and personal belongings, individual witness statements to police, specifics of the crime scene and investigatory findings, would, based on my careful review, compromise the ongoing criminal matter and detrimentally impact the possibility of solving the crime.

In addition to protecting records of ongoing investigations, exemption (f) has been held to allow investigative officials to provide an assurance of confidentiality to persons so that they will speak openly about matters under investigation. Bougas v. Chief of Police of Lexington, 371 Mass. 59, 62 (1960). In this case, as noted, the murder investigation remains open and unsolved. For those reasons, absent authorization or a court order to produce information obtained during the

investigation, the names, addresses and identifying details of voluntary witnesses or complainants contained in the investigative reports itemized above dated December 8, 1978, may therefore be withheld from disclosure permanently. Reinstein, 378 Mass. at 290. Where identifying details regarding voluntary witnesses are inextricably intertwined with other information in the responsive record, such is the case with the two witness statements dated December 8, 1978, the responsive records will be withheld in their entirety.

In closing, I would also note that in reviewing and responding to this request, I consulted with the Norfolk County District Attorney's Office, who concurred with my determination in light of the open murder investigation under its jurisdiction.

Sincerely,

  
Gerard L. Daigle  
Chief of Police

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